

City of Newport Beach

Water Quality/Coastal Tidelands Committee Meeting Minutes

Date: January 3, 2019

Time: 3:00 p.m.

Location: Crystal Cove Conference Room, 100 Civic Center Drive, Newport Beach, CA 92660

Meeting Minutes prepared by:

1. The meeting was called to order at 3:05 p.m. by Chair, Councilmember Jeff Herdman.

2. Welcome/Self Introductions

Chair Jeff Herdman announced that he has been named the new Chair of the WQCT meetings and the new Vice Chair will be Council Member Duffield. He also introduced new City Council Member (Joy Brenner)

Committee Members present:

Jeff Herdman, Chair
Councilmember "Duffy" Duffield, Vice Chair
Tom Houston (absent)
Dennis Baker (absent)
Carl Cassidy
Richard McNeil (absent)
Louis Denger
Fred Galluccio
George Robertson

Guests present:

Hoiyin Ip, Sierra Club
Nancy Skinner, SPON
Jim Mosher, Resident
Joy Brenner, Councilmember

Staff present:

Bob Stein, Assistant City Engineer
John Kappeler, Senior Engineer
Shane Burckle, Water Conservation Coordinator
Karen Gallagher, Administrative Assistant

3. Public Comment on Agenda Items

None.

4. Review and approval of minutes

Committee member George Robertson moved to approve the minutes; Louis Denger seconded; motion approved unanimously.

5. Current Business

- (a) Public Education Sub-committee (Fred Galluccio/Hoiyin Ip) (20 min) Update from the Public Education Sub-committee, including a discussion on street vendors.

A report was provided by Hoiyin Ip. A PowerPoint Presentation was displayed with slides entitled #TrashFreeNewport, San Clemente City Council Meeting (11/20/2018), It Took Everyone/It Takes Everyone, Government Lead by Example, Residents, Food Service Businesses (Municipal Codes), Ordinance/Promotion, Portable Food Stand or Street Kitchen & City Events, and Action Items.

Ms. Ip distributed exhibits to add to the PowerPoint Presentation and expressed the need for funding for marketing materials displaying the #TrashFreeNewport motto. The artists have granted permission for Ms. Ip to utilize their artwork in her campaign. She noted that trash provision compliance is very costly. She noted the source reduction and prevention efforts she has been endorsing are proposed within the documents provided and noted the strong emphasis on policies by Ocean Protection Council and National Oceanic and Atmospheric Administration. The goal is to encourage high-profile sustainability, prosperity to local businesses, and increase in tourism to Newport Beach based upon these trash-free/trash-reduction initiatives. She is proposing a three-fold strategy involving government, residents, and food service businesses. There are hundreds of events on City property which can be utilized to promote trash-free/trash-reduction/bring-your-own opportunities. She provided examples of marketing efforts such as promotional flyers and workshops. She also provided comparisons between the City's ordinances and those of other cities.

Ms. Ip focused on efforts and goals which can address single-use plastics in 2019. She suggested high level action items including updating the City's municipal codes as related to food service business and events on City property, and high-profile publicity including signs, a library speaker's series, and water bill inserts.

It was noted that effective January 1, 2019, street vendors are legal in the City of Newport Beach.

George Robertson expressed support for the artwork and requested a monotone (single-color) version of the artwork for storm drains, as the logo could be spray painted on curbs. Ms. Ip said she only has permission to print the art with credit.

Chair Herdman noted that the Committee would need to make a formal recommendation to the City Council to consider any specific actions. A Councilmember must request that it becomes a future agenda item on the City Council agenda. He surmised Ms. Ip would like to focus on referring revisions to the Municipal Code to the City Council.

Councilmember Joy Brenner inquired as to what recommendations would specifically be forwarded to the City Council. Chair Herdman stated it would be revisions to the Municipal Code as related to the matters Ms. Ip brought up in her presentation. Discussion ensued on various related matters, including trash-reduction efforts at City events, amending the City's special event permit application requesting voluntary compliance with trash-reduction efforts.

A motion was made by George Robertson, and seconded by Carl Cassidy, to direct staff (John Kappeler) to provide a draft for City special event permit applications to include requirements for an applicant to voluntarily agree to a zero-waste event to include suggestions from Hoiyin Ip's list for review at the next Committee meeting.

Ms. Ip requested the Committee's assistance with approaching the Library to create and implement a speaker's series related to her initiatives. Chair Herdman stated the Committee will need to focus on one item at a time and will begin with the special event permit.

No further action was taken on this item.

- (b) Draft Cu Total Maximum Daily Load (TMDL) (John Kappeler) (20 min) Update on the status of the draft Cu TMDL.

A report was provided by John Kappeler. A PowerPoint Presentation was displayed with slides entitled Draft Copper TMDL: Regulatory Update, TMDL Adoption Background, TMDL Adoption Update, City's Current Activities, Availability of Alternative Non-Toxic Antifouling Paints, Low Flushing Tide Copper Levels – Summer 2015, High Flushing Tide Copper Levels – Winter 2015, Copper Toxicity Study – Spring/Summer 2016 Mussel Larval Development Test, Meaningful and Effective Management Actions, Consideration for environment has been improving, City's recommendation in 2016 still stands, and Discussion/Questions.

John Kappeler provided historical background on Total Maximum Daily Loads (TMDL) and noted the copper TMDL has been a contentious item. The City and other stakeholders have concerns with the draft copper TMDL as currently proposed by the Regional Board. The City submitted comments to the proposed TMDL and noted the Regional Board recently met with City staff. The Regional Board will be hosting community workshops to address concerns with the copper TMDL over the next six months. There is a discrepancy between legal use of copper boat paint and the limit for copper TMDL for the Bay. In July 2018, State law changed to require a lower copper leech rate for boats. Due to mitigation efforts, the City expects a 30% improvement in copper loads in the Bay. The Water Board believes that the City is responsible for the copper TMDL because they manage the tidelands and the harbor. The City is in disagreement as to their role as the responsible party as related to copper loads.

Chair Herdman confirmed a study conducted in the State of Washington confirms there are no safe alternatives to copper at this time. City staff confirmed the Regional Board will be postponing the public workshops until further meetings with the primary stakeholders, including the City, are held.

In response to Councilmember Brenner, Mr. Kappeler stated the copper in this matter is related to boat paint. Discussion ensued as to the Regional Board's contention that the City is responsible for the copper as a discharger, which the City does not agree with.

Carl Cassidy confirmed the California State Regional Board is proposing the TMDL's. Discussion ensued regarding the minimum level of the copper TMDL's, water testing, the Regional Board's obligation to monitor the thresholds, and the focus on a multi-metric approach to look at the system as a whole, rather than at just one indicator.

Fred Galluccio confirmed the State of California sets the numbers for the TMDL's.

George Robertson inquired regarding the Sediment Quality Objective (SQO). Shane Burckle, Water Conservation Coordinator, has spoken with many boat owners and those who maintain the boats, and they report the less toxic copper paint is more expensive due to the labor involved and the need to remove the boat from the water more frequently.

John Kappeler reported the City acknowledges it is a tough issue and would like to help with education of boat owners. The City disagreed with the data provided by the Regional Board as well as the legal interpretation made as to who is the responsible party for the copper TMDL. Staff reported the City's efforts are moving in the right direction and the copper levels are reducing in the Bay.

Louis Denger inquired as to why the copper TMDL is not being treated like the selenium TMDL, where the threshold is determined based upon tests of fish tissue. John Kappeler stated the copper TMDL was buried within the California Toxics Rule. He noted that even at triple the State standard, the City is not seeing a problem with toxicity.

John Kappeler will report back to the Committee when the Regional Board begins to plan and schedule its public workshops on this item.

There was no further action taken on this item.

- (c) City of Newport Beach Trash Reduction Program (Richard McNeil/John Kappeler) (20 min)
Update on the status of the City's trash reduction program, including a discussion on the Seabin Project.

This item was continued to a future meeting.

6. On-going business

Bay and Ocean Bacteriological Test Results (John Kappeler) (15 min) Review and discussion of recent water quality test results within Newport Bay and along the ocean shoreline.

A report was provided by John Kappeler and included the monthly review of test results. The City tests for bacteria weekly and he noted the triggers required for closing beaches due to high levels. The Upper Bay has been very clean with only minor "hits" where the bacteria level is exceeding minimum levels.

George Robertson inquired regarding fecal coliform levels and testing. John Kappeler responded the tests are taken for fresh water which is held to a different standard. Orange County Sanitation District has an ocean water testing program which extends down to Crystal Cove. Testing is completed to indicate trends, rather than focus on isolated "hits." The Arches area typically is in violation as there are multiple "hits" of exceeding minimum levels, however, there has been work done in the area to mitigate the causes, including a grant for diversion of the storm drains approved by the City Council.

Staff noted that Monica Mazur, a retiree from Orange County Public Health, is now assisting as a volunteer and continues to compiling data regarding bacteria in the bay.

There was no further action taken on this item.

7. Committee announcements or matters which members would like placed on a future agenda for discussion, action or report (Non-Discussion Item) (10 min)

UCI Oceans Project Update (February 2019)

- (a) Newport Harbor Vessel Pumpout Program (Spring 2019)
- (b) Public Outreach to Hull Cleaning Divers (Spring 2019)
- (c) Vessel greywater discharge limitations (Spring 2019)
- (d) City of Newport Beach Trash Reduction Program (Richard McNeil/John Kappeler)

George Robertson requested a brief discussion on item 7A at the next meeting in order to determine whether the project should continue to be pursued by the Committee.

Chair Herdman will continue to work with John Kappeler and Dave Webb on future agendas.

8. Public comments on non-agenda items (10 min)

Chair Herdman opened public comments.

Councilmember Brenner inquired as to the possibility for the elimination of the “RoundUp” pesticide in the City. Chair Herdman requested Dave Webb to speak to the Committee regarding various pesticides but Mr. Webb was unavailable. John Kappeler mentioned the City’s Integrated Pest Management program and Shane Burckle noted there has been a significant reduction in toxic pesticides. Discussion ensued regarding less pesticide use due to changing landscaping preferences as well as reduction in toxic pesticide use overall due to education efforts.

Chair Herdman confirmed the City is using products that are much less toxic. Discussion ensued regarding use of various types of turf and alternative landscaping, recent court cases related to cancer-causing chemicals, regulations regarding application of toxic substances, the proper use of pesticides, and the school district’s position in regard to use of pesticides.

George Robertson inquired as to the “sustainability” project led by Nancy Gardner. Staff noted there will be an upcoming update to the City’s General Plan and it will include a sustainability component. Discussion ensued as to the process by which the General Plan is reviewed.

Hoiyin Ip stated she read Ms. Gardner’s sustainability report and is in support. She would like to assist with the City’s efforts in this regard.

Chair Herdman requested a copy of Nancy Gardner’s report to be distributed to Committee members.

Brief introductory comments were made by a Corona Del Mar student who was in attendance at the Committee meeting.

Noting there were no further individuals who elected to comment, Chair Herdman closed public comments.

9. Set next meeting date (5 min)

The next meeting date was set for February 7, at 3:00 p.m. in the Crystal Cove Conference Room, located at 100 Civic Center Drive, Newport Beach, CA 92660.

10. Adjournment

The meeting was adjourned at 4:23 PM.


Chair / Jeff Herdman